

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BRIAN CLOYD,

Plaintiffs,

V.

FIELDWOOD ENERGY OFFSHORE, INC. d/b/a FIELDWOOD ENERGY (TEXAS), INC., FIELDWOOD ENERGY LLC, FIELDWOOD ENERGY OFFSHORE, LLC, SHORE OFFSHORE SERVICES LLC, and OCEANEERING INTERNATIONAL, INC.,

Defendants.

§ §

CIVIL ACTION NO. 4:20-CV-04032

**NOTICE OF CONSENT TO WITHDRAW
BANKRUPTCY STAY AND TO RE-OPEN CASE**

PLEASE TAKE NOTICE that Defendants, Fieldwood Energy LLC and Fieldwood Energy Offshore LLC (collectively, the “**Defendants**”), consent to the withdrawal of this Court’s Order (Doc. 9), issued on December 9, 2020, which stayed this civil action and administratively closed this civil action pending the suggestion of bankruptcy, and the reopening of this civil action for the reasons that follow.

Commencing on August 3, 2020 (the “**Petition Date**”), Defendants and certain of their affiliates (collectively, the “**Debtors**”) each filed separate voluntary petitions for relief in the United States Bankruptcy Court for the Southern District of Texas under Chapter 11 of Title 11 of the United States Code. The Debtors’ cases are being jointly administered under Case No. 20-33948.

On November 25, 2020, the Defendants filed their Notice of Removal in this Court on the basis that this Court's subject matter jurisdiction was founded upon the Outer Continental

Shelf Lands Act, 43 U.S.C. § 1331 *et seq.*, as well as this Court’s “federal question” jurisdiction, 28 U.S.C. § 1331. (Doc. 1). Also on that date, the Defendants filed their Notice of Suggestion of Bankruptcy (Doc. 2.) Thereafter, this Court issued its December 9, 2020, Order, staying this civil action in its entirety.

The personal injury claims asserted by plaintiffs against Defendants are alleged to have arisen on or about October 28, 2020, which was after the Petition Date. Under these specific circumstances, Defendants advise this Court that they hereby consent to the lifting of the stay previously entered by the Court and the restoration of this matter to the active docket of this Court.

Undersigned counsel for Defendants advise that this consent to withdraw the Court’s Order dated December 9, 2020, is without prejudice to any and all affirmative or other defenses they may have to the Petition, as amended, of plaintiff, Brian Cloyd, against them, including the filing of any memorandum in opposition to any motion to remand that plaintiff may file in the future. Upon the lifting of the stay, undersigned counsel will file within five (5) days, a statement of corporate disclosure as well as their Answer and Affirmative Defenses.

WHEREFORE, Defendants hereby consent and request this Court to lift the stay issued in this Court’s December 9, 2020, Order (Doc. 9).

New Orleans, Louisiana
This 15th day of December, 2020

Respectfully submitted:

/s/ James D. Bercaw

James D. Bercaw, T.A. (20492)
KING & JURGENS, L.L.C.
201 St. Charles Avenue, 45th Floor
New Orleans, Louisiana 70170
Telephone: (504) 582-3800
Facsimile: (504) 582-1233
Email: jbercaw@kingkrebs.com

and

JOSEPH R. MESSA (#11346)
[jmessa@kingjurgens.com](mailto:jmess@kingjurgens.com)
6363 Woodway, Suite 820
Houston, Texas 77057
Telephone: (713) 334-5644
Facsimile: (713) 334-5828

*Counsel for defendants,
Fieldwood Energy LLC and
Fieldwood Energy Offshore LLC*